

REMARKS

Claims 11, 13, 14, 21 and 24 stand rejected under 35 USC 112, second paragraph, as being indefinite. This rejection is respectfully traversed.

Claims 11, 13 and 21, have been amended to no longer include the issues described by the Examiner. Claim 24 has been rejected as indefinite because according to the Examiner “if the bound coded probes are separated from all target molecules before the coded probes are aligned on a surface as recited in claim 24, it is unclear how to align on a surface the coded probes that bind to the one or more target molecules.” As described in the specification once the coded probes are bound to the target molecules, the target molecules and the bound probes can be removed from the non bound probes leaving only the bound probes and the target molecules together. The bound probes can then be identified while still attached to the target molecules or after they are separated from the target molecules. Claim 24 simply claims the latter, identifying the bound target molecules after they have been separated from the target molecules. Accordingly, claim 24 is not inconsistent with claim 19.

Claims 1-6, 9, and 15-18 stand rejected under 35 USC 103(a) as being unpatentable over Mirkin (U.S. Patent No. 6,984,491). Claims 7 and 8 stand rejected under 35 USC 103(a) as being unpatentable over Mirkin in view of Birkenmeyer. Claims 10-14 stand rejected under 35 USC 103(a) as being unpatentable over Mirkin in view of Nygren. Claims 19-23 stand rejected under 35 USC 103(a) as being unpatentable over Mirkin in view of Nygren.

These rejections are respectfully traversed. Independent claims 1 and 17 each include “aligning on a surface the coded probes that bind to the one or more target molecules.” The cited portions of Mirkin only involve attaching probes to a surface; they do not include the additional process of aligning the probes. (For an explanation of aligning the coded probes see, for example, paragraphs [0033]-[0037]). As described in the specification, aligning the probes allows for the

probes to be more easily and accurately read and analyzed. Mirkin does not disclose or suggest aligning the bound probes as claimed.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **070702006420**.

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Respectfully submitted,

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